

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-09-00264 CRB

Plaintiff,

**ORDER RE SUPPLEMENTAL
BRIEFING**

v.

MIGUEL ANGEL HERNANDEZ,

Defendant.

At the sentencing hearing held today, August 28, 2009, the Court directed the parties to file supplemental briefing regarding what materials the Court may rely on in applying the modified categorical approach, as well as any objections the parties have to such materials and/or any findings as to the age of the Defendant or the victim. The Court hereby further directs the parties to address what enhancement the Court should apply, if any, if the Court does not apply a 16 level enhancement for a crime of violence.

IT IS SO ORDERED.



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

Dated: August 28, 2009

United States District Court
For the Northern District of California

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